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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

RIDWELL, INC.

CASE NO.: 3:22-cv-00110-JR

PLAINTIFF,

V.

RIDWELL'S REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF OPPOSITION TO DEFENDANT
WASHINGTON COUNTY'S MOTION TO
DISMISS COMPLAINT

WASHINGTON COUNTY, OREGON,

DEFENDANT.

Plaintiff Ridwell, Inc. requests that the Court take judicial notice of four exhibits. Each exhibit is a government record accessible by the public via defendant Washington County's website.

I. LEGAL STANDARD

Federal courts may grant judicial notice of facts that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). On a motion to dismiss for failure to state a claim, a court likewise “may take into account documents whose contents are alleged in a complaint and whose authenticity no party questions, but which are not physically attached to the [plaintiff’s] pleading” and may “treat such a document as part of the complaint, and thus . . . assume that its contents are true for purposes of a motion to dismiss under Rule 12(b)(6).” *Davis v. HSBC Bank Nevada, N.A.*, 691 F.3d 1152, 1160 (9th Cir. 2012) (alteration in original; quotation marks omitted). Documents available on government websites are appropriate subjects for judicial notice. See, e.g., *Dudum v. Arntz*, 640 F.3d 1098, 1101 n.6, 1104 n.11 & n.13 (9th Cir. 2011); *Daniels–Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998–99 (9th Cir.2010) (taking judicial notice of official information posted on a governmental website, the accuracy of which was undisputed); *United States v. Camp*, 723 F.2d 741, 744 n. ** (9th Cir.1984) (taking judicial notice of a verifiable public record).

II. EXHIBITS 1-4

Exhibit 1 attached to this request is a true and correct copy of the June 30, 2021 *Washington County Staff Report re: Ridwell, Inc. Exemption Request from the Requirement to Obtain a Certificate* (available online at https://www.co.washington.or.us/HHS/SWR/Resources/upload/Staff-Report_Ridwell-Exemption-Request.pdf).

Exhibit 2 attached to this request is a true and correct copy of the April 16, 2021 letter to Washington County from the Washington County Hauler Association as an exhibit related to the agenda for June 10, 2021 Garbage and Recycling Advisory Committee Meeting (available online at

<https://www.co.washington.or.us/HHS/SWR/Resources/upload/Exhibit-B-April-16-2021-Washington-County-Hauler-Association-Letter.pdf>).

Exhibit 3 attached to this request is a true and correct copy of the Garbage and Recycling Advisory Committee's Bylaws (available at https://www.co.washington.or.us/HHS/SWR/Resources/upload/GRAC-Bylaws_adopted-4-20-21.pdf).

Exhibit 4 attached to this request is a true and correct copy of the January 25, 2022 Agenda Item re: Temporary Amendments to Solid Waste and Recycling Administrative Rules (available online at <https://washingtoncounty.civicweb.net/document/23221/Approve%20Temporary%20Amendments%20to%20Solid%20Waste%20and.pdf?handle=BAFA1971260C478C975DE9BE249A2414>).

III. CONCLUSION

Ridwell respectfully requests that the Court take judicial notice of each of the above exhibits, each of which is reliable and the authenticity of these which is not reasonably subject to dispute.

Dated: April 8, 2022.

s/ Darin M. Sands

DARIN M. SANDS, OSB No. 106624
ERIN BERNSTEIN, ADMITTED PRO HAC VICE
GINA ELLIOTT, ADMITTED PRO HAC VICE

Exhibit 1



WASHINGTON COUNTY OREGON

DATE: June 30, 2021

TO: Garbage and Recycling Advisory Committee

FROM: Thomas Egleston, Solid Waste & Recycling Manager
Kathy Folsom, Senior Policy Coordinator

RE: Ridwell, Inc. Exemption Request from the Requirement to Obtain a Certificate

Background

For a monthly fee, Ridwell, Inc.'s (Ridwell) business collects hard-to-recycle materials from community members at their home. Currently, the materials that Ridwell collects are not included in Washington County's curbside recycling program such as plastic film, household light bulbs, clothing, and Styrofoam.

On May 4, 2021, Ridwell sent a letter to Washington County requesting an exemption from the requirement to obtain a certificate pursuant to WCC 8.04.130(C). Washington County Code (WCC) Chapter 8.04.120 – Certificate Issuance, requires that any person that collects, stores, transports, or disposes of any waste or solid waste for compensation (a fee) in unincorporated Washington County must obtain a certificate issued by the Board.

On June 10, 2021, as required by WCC 8.04.130(C) when reviewing a request for an exemption from the requirement to obtain a certificate, your Committee held a public hearing to gather information and make findings. After the conclusion of the public hearing, your Committee requested that the item be brought back to a future meeting to allow for further discussion.

Issue to be Decided

The issue to be decided by the Committee is whether the “practice” of collecting certain wastes for recycling for compensation should be exempt from the requirement of obtaining a certificate?

That decision is based on an evaluation of whether the practice of collecting those specific wastes is *“not necessary to the implementation of the county or a regional solid waste management plan.”* If that determination is made, Ridwell or other companies including the certificated collection companies, would be allowed to collect specific materials for a fee that are not included in the County's current curbside recycling program but still could be collected for recycling or reuse from individual households.

If the Committee favorably recommends to the Board that the exemption request should be granted, it will need to provide the “findings” relied upon in making their decision.

County or Regional Solid Waste Management Plan

Washington County currently does not maintain a “solid waste management plan”. However, the Solid Waste and Recycling Administrative Rules govern the collection, transportation, and disposal

of solid waste within the unincorporated areas of the county. Pursuant to the Solid Waste and Recycling Administrative Rules, certificated solid waste collection companies are required to collect certain mixed recycling materials from residential, commercial, and multifamily customers as listed in Section 14, Subsections M, N and O. Those Sections do not reference the specific hard-to-recycle “wastes” currently collected by Ridwell.

In March 2019, Metro adopted the 2030 Regional Waste Plan (RWP). The RWP is considered the Metro region’s solid waste management plan, as required by the Oregon Department of Environmental Quality (DEQ). The RWP guides regional “programs, services and facilities related to solid waste management and disposal”, “including waste reduction, collection, transfer and disposal.” Sections of the RWP that provide guidance when evaluating the “practice” of collecting certain hard-to-recycle “wastes” for recycling for compensation include:

- Action 10.1: Provide comprehensive collection services and supporting education and assistance for source-separated recyclables, source separated food scraps and garbage, in compliance with state, regional and local requirements, including the Regional Service Standard, Business Recycling Requirement and Business Food Waste Requirement in Metro Code. (Directive Action)
- Action 12.5: Regulate collection of solid waste materials by collectors not otherwise regulated by local governments. (Non-Directive Action)
- Action 14.5: Evaluate alternative models for collection, processing, and transfer services to identify which would deliver the best environmental, financial, efficiency and equity outcomes. (Non-Directive Action)

At this time, it is unclear that these RWP actions apply to the “practice” of collecting for a fee certain hard-to-recycle “wastes” to be recycled or reused. To determine that the “practice” of collecting these items is necessary to the implementation of the RWP will require more definition as the plan is implemented.

Options for Consideration

In considering this exemption request your Committee may recommend one of two options. Your Committee may either recommend that Ridwell’s exemption request be approved by the Board or that the request be denied.

Result of unfavorable recommendation

If your Committee does not favorably recommend that the Board grant an exemption for the collection of certain hard to recycle items for a fee, and the Board concurs with that option, then Ridwell and other businesses operating a similar service would not be allowed to operate in the unincorporated areas of the county. Certificated haulers would retain the exclusive right to collect hard-to-recycle materials for compensation. Ridwell would need to cease its collection service or would be faced with enforcement actions for failing to do so.

For certificated haulers to provide the service, the Solid Waste and Recycling Administrative Rules would need to be amended to include additional materials and service options that are not available today. Additionally, the County would work to determine and set fair and equitable collection rates for the new collection service. Service standards and rates would need to be set in a manner to ensure compliance with ORS 459A and other applicable local and regional rules.

Also, the practice of collecting certain hard-to-recycle materials would need to be assessed against the current plans, including guidance from the Regional Waste Plan, for potential collection service program changes. Currently, staff has been analyzing a potential residential food waste collection

program and other changes that may be prioritized based on their environmental, financial, efficiency and equity outcomes.

Result of a favorable recommendation

If your Committee favorably recommends that the Board grant an exemption for the practice of collecting certain hard-to-recycle items for a fee, and the Board concurs with that option, then Ridwell and other businesses including certificated solid waste haulers providing a similar service would be allowed to operate in the unincorporated areas of the county.

Any business providing the collection service would be subject to exemption conditions, such as those outlined below, that may include reporting the volume and type of materials collected. The costs and revenues from the collection of certain hard-to-recycle items for a fee would not be included in the certificated haulers' annual detailed cost reports and would not be recovered through the County's annual rate review process.

In addition to businesses like Ridwell, certificated haulers would be able to offer the service on the open market without exclusive service areas. Rates and Administrative Rules for the service would not be developed by the County unless it was later determined that specific materials should be included in the regulated system.

Findings

Criterion. Washington County Code Chapter 80.130(C) Exemptions provides that certificates shall not be required of: "Other persons, practices, processes, businesses or wastes exempted by the board after receipt of a recommendation of the advisory committee on the basis of findings made after public hearing that the same is not necessary to the implementation of the county or a regional solid waste management plan."

Staff Findings:

1. The hard-to-recycle materials collected by Ridwell for a fee, for which an exemption is requested, are solid waste as defined by Washington County Code and therefore require a certificate for collection for a fee.
2. Washington County Code Section 8.04.130(C) provides that the Garbage and Recycling Advisory Committee may recommend an exemption to the requirement for obtaining a certificate for the practice of collecting certain hard-to-recycle materials if the same is not necessary to the implementation of the county or regional solid waste management plan.
3. Ridwell, Inc. requested that an exemption from the requirement to obtain a certificate be granted and, that the Garbage and Recycling Advisory Committee hold a public hearing on the matter.
4. On June 10, 2021, the Garbage and Recycling Advisory Committee held a public hearing to consider Ridwell's request for an exemption from the requirement to obtain a certificate for the practice of collecting solid waste materials for a fee, for reuse or recycling that are not included in the Administrative Rules.
5. The practice of collecting certain materials for which an exemption is requested includes items not included in the Administrative Rules as curbside recyclable materials and are not collected for recycling by certificated solid waste haulers.

6. The Regional Waste Plan does not include guidance directing the provision of collection services for the hard-to-recycle items included in the exemption request.
7. Community members have expressed support for the option to pay a fee for the collection of hard-to-recycle materials that are currently not included in the Administrative Rules.
8. Materials required to be collected for recycling in the Administrative Rules must have stable end-markets to ensure a consistent and unchanging list of allowable items.
9. Materials not included in the Administrative Rules may have unstable end-markets and are difficult to separate from other recyclable materials if comingled.
10. Granting an exemption for the practice of collecting for recycling or reuse materials that are not included in the County's Administrative Rules would provide community members with the opportunity to reuse and recycle materials with unstable end-markets that are not currently accepted in the curbside recycling program.
11. Granting an exemption for the practice of collecting for recycling or reuse materials that are not included in the County's Administrative Rules avoids upward pressure on garbage and recycling collection rates.
12. Granting an exemption for the practice of collecting for recycling or reuse materials that are not included in the County's Administrative Rules creates opportunities for small businesses to have the ability to provide additional services without the barrier of obtaining a certificate.
13. Granting an exemption for the practice of collecting for recycling or reuse materials that are not included in the County's Administrative Rules is not expected to affect the collection service levels provided by certificate holders as many of these materials are already self-hauled to drop-off locations.
14. Granting an exemption for the practice of collecting for recycling or reuse materials that are not included in the County's Administrative Rules would not prevent future changes to the materials required to be collected as set out in the Administrative Rules.
15. Adding more materials to the County's Administrative Rules in the future would expand the materials collected by the certificated solid waste haulers and reduce the materials allowed to be collected through the exemption.
16. Granting an exemption for the practice of collecting for recycling or reuse materials does not prevent any person or business, including certificated solid waste haulers, from collecting those materials for a fee, so long as they meet the conditions set forth in the granting of the exemption.

Staff finds that the criterion has been met: The practice of collecting items not included in the Administrative Rules for recycling or reuse for compensation is not necessary to the implementation of the Regional Waste Plan and may be exempted from the requirement of obtaining a certificate.

Exemption Conditions

If your Committee determines that it should favorably recommend to the Board of Commissioners that the exemption request be granted, that exemption may be subject to certain requirements.

Those requirements may include:

- Collecting only materials that are not included in the County's recycling program as defined in the Solid Waste and Recycling Administrative Rules.
- Confirmation that the materials being collected are in fact being recycled or reused.
- Collected materials are delivered to a location in accordance with all applicable local, regional, state, and federal rules and regulations.
- Data regarding the types and quantities of materials collected that is provided to the State of Oregon's material recovery survey is shared with Washington County.
- Costs associated with the practice of collecting hard-to-recycle materials under this exemption shall not be included in the certificated garbage and recycling rate-setting process.

Staff Recommendation

Staff recommends, based on the findings outlined above, that your Committee favorably recommend to the Board of Commissioners that the practice of collecting certain materials for recycling or reuse for a fee may be granted an exemption from the requirement to obtain a certificate.

Exhibit 2

Exhibit B: April 16, 2021 Washington County Hauler Association Letter

April 16, 2021

**Tom Egleston, Solid Waste & Recycling Division Manager
Washington County**

RE: Expanded Service Opportunity

On behalf of the certificated haulers of Washington County, we would like to propose an expanded service by offering collection of hard to recycle materials from residential customers. Such material could include batteries, film plastic, and other specialty items. As your certificated partners, we consistently provide safe, affordable, and efficient curbside solid waste and recycling collection services. With our foundation and experience, expanding curbside collection of specially identified materials would involve very little implementation cost.

Service Proposal - Initially, we recommend this be offered as an ancillary service, not included with the base cost of providing solid waste and recycling service. In this way, only those customers who want the service would pay for it. Over time, local communities may choose to expand the new service to all customers.

- *Service Manner and Frequency* – The service would be provided by the customer’s regular garbage and recycling service provider with the day of collection arranged in advance.
- *Accountability and Safeguards*– We have established relationships with responsible processors and users of these materials to ensure they are properly recycled and used so they will not come back to litter our streets.
- *Regulated Rates* – To start, we estimate the urban charge would range from \$5.50 to \$7.00 *per collection* depending on the volume of the material. Rural service would need further review. This service charge would include a certificate fee paid to Washington County. Our projections indicate providing this service to all customers and bundling the costs would result in a lower impact on rates.

We see this as a tremendous opportunity for the haulers to work in partnership with you and help develop additional ways to divert material ending up in the landfills and the streets of our communities by providing affordable rates and using an established safe and environmentally sound collection system that works. We look forward to continually exploring new ways to

serve as a community resource, imparting our experiences as large, small, family and women-owned companies navigating the business of waste management while providing living wages and promoting our common values of advancing equity.

We take our work very seriously and are here to help. Should you like to learn more about our proposal, please contact Beth Vargas Duncan at 971-707-1683 or bethvd@orra.net; we can certainly work with your staff and consultant to verify our cost assumptions and ensure we have the customer's best interest in mind.

Sincerely,

Beth Vargas Duncan

C:

Evergreen Disposal

Garbarino Disposal & Recycling Services

Hillsboro Garbage

Pride Disposal Company

Republic Services

Swatco Sanitary Service

Walker Garbage & Recycling Services

Waste Management of Oregon

West Slope Garbage Service

Exhibit 3

WASHINGTON COUNTY GARBAGE AND RECYCLING ADVISORY COMMITTEE BYLAWS

I. PURPOSE:

To provide the Washington County Board of Commissioners (Board) with recommendations on solid waste related decisions from community members and businesses that are consumers or participate in the County's garbage and recycling system. Washington County Garbage and Recycling Advisory Committee membership will ensure diverse representation of lived and learned experiences that will help produce equitable outcomes from decisions that impact all users of the garbage and recycling system.

As provided in Washington County Code Chapters 8.04.060 and 8.08.130, the Washington County Garbage and Recycling Advisory Committee (Committee) has been appointed by the Board to assist the Board in achieving the above objectives. The Committee will:

- 1.1 Review and advise on issues and plans relating to the collection, storage, transport or disposal of garbage and recycling and waste management within the County.
- 1.2 Assess and report on the impact of decisions that affect all users of the garbage and recycling system including community members, businesses and other affected groups.
- 1.3 Review and advise on waste reduction and recycling education programs and campaigns.
- 1.4 Review and advise on proposed changes or additions to the Washington County Code, Solid Waste and Recycling Administrative Rules and other regulations enacted by the Board for the purpose of carrying out the intent of Washington County Code Chapters 8.04 and 8.08.
- 1.5 Review the findings of Solid Waste & Recycling division investigations and make recommendations to the Board regarding applications for Sanitary Service Certificates to collect, store, transport or dispose of waste or solid waste. Also, review and make recommendations for requests to transfer, modify, suspend or revoke existing Sanitary Service Certificates.
- 1.6 Review and make recommendations to the Board, based on Solid Waste & Recycling division findings, regarding proposed garbage and recycling rate increases or decreases.
- 1.7 Review and make recommendations to the Board regarding the provision of adequate disposal sites and disposal facilities to meet future demands. Also, review and make recommendations for minimum standards for the location and operation of disposal sites.

II. MEMBERSHIP:

The Board may appoint a Garbage and Recycling Advisory Committee as provided in Washington County Code Chapters 8.04.060 and 8.08.130.

- 2.1 The Garbage and Recycling Advisory Committee membership will seek to represent the whole community. Membership will include representation from community members and community partners from historically marginalized groups including those with lived experience of racial and or ethnic inequity.

- 2.2 The Garbage and Recycling Advisory Committee shall consist of ten (10) members representing many dimensions of the community.
- 2.3 There shall be eight voting members representing the general public. The Committee will be composed of members that represent, but are not limited to, the characteristics below:

Community:

- Racial and ethnic communities
- Disability community
- Seniors/aging population communities

Sector:

- Housing interests
 - Single-family
 - Multi-family
 - Homeowner Association
- Businesses
 - Chamber of Commerce
 - Food Waste
 - Retail
- Student
- Retirees

Interests:

- Environmental health
- Non-profit/government
- Master Recyclers

- 2.4 All members of the Garbage and Recycling Advisory Committee representing the general public shall work and/or live in Washington County. Preference for membership will be given to applicants working and/or living in unincorporated Washington County.
- 2.5 There shall be one voting member representing the garbage and recycling collection and disposal industry; with not less than five (5) years of experience in collecting, processing, transporting or storing garbage and recycling within the State of Oregon.
- 2.6 The member of the Garbage and Recycling Advisory Committee representing the industry shall be actively engaged in providing services in or to unincorporated Washington County.
- 2.7 The Washington County Solid Waste & Recycling division manager shall be a non-voting member of the Committee.
- 2.8 The Garbage and Recycling Advisory Committee members must declare potential conflicts of interest related to issues under consideration. Such members will abstain from voting on issues related to a conflict of interest, as determined by County Counsel.

- 2.9 Individual Garbage and Recycling Advisory Committee members will exercise the authority of their position only when the Committee is in legal session. No individual member of the Committee has the authority to act in the name of the Committee unless authorized by a specific motion.
- 2.10 The Washington County Solid Waste & Recycling division staff shall assist the Committee chairperson with coordinating the activities/agendas of the Garbage and Recycling Advisory Committee. Staff assigned to the Committee shall maintain recordings, files and other matters.

III. MEMBERSHIP TERM:

- 3.1 The term of each Garbage and Recycling Advisory Committee member shall be four (4) years. Garbage and Recycling Advisory Committee members shall be appointed to no more than two (2) successive terms of membership unless otherwise approved by the Board.
- 3.2 Terms shall be so formed to avoid more than two (2) starting in any 12-month period.
- 3.3 Any Garbage and Recycling Advisory Committee member that has two (2) unannounced absences during the calendar year, without notice or reasonable explanation, may be automatically removed from the Garbage and Recycling Advisory Committee.
- 3.4 Any Garbage and Recycling Advisory Committee member that fails to maintain contact with the County or Committee may be removed from the Committee and the position will become vacant.
- 3.5 Any Committee member may resign from the Committee by submitting their resignation in writing to the Solid Waste & Recycling division manager.
- 3.6 Upon the resignation, removal, or inability to serve of any Garbage and Recycling Advisory Committee member, the Board shall appoint a person to serve the remaining unexpired term. Members who are appointed to fill a partial term will be eligible for two (2) additional four-year terms.

IV. OFFICERS:

- 4.1 At least once every two (2) years, the Garbage and Recycling Advisory Committee shall vote to select one of its members representing the public as chair and another member representing the public as vice-chair.
- 4.2 Each officer shall serve for two (2) years or until a successor has been duly elected. An officer's term may be renewed once for a total of two (2) terms.
- 4.3 The chair shall be responsible for the general operation of the Committee including the establishment of subcommittees or workgroups and presiding over Committee meetings.
- 4.4 In the absence of or inability to act as the chair, the vice-chair shall have all the authority of the chair.

V. MEETINGS:

- 5.1 A Committee meeting calendar with topics noted shall be developed bi-annually and updated as needed.
- 5.2 The Committee shall meet at least annually.
- 5.3 Meetings will be typically scheduled on a monthly basis.
- 5.4 Regular meetings will be held in a location and time that promotes and removes barriers to membership.
- 5.5 A designated meeting will be held annually for the purpose of orientation and ongoing education regarding garbage and recycling matters.
- 5.6 Meetings shall be held either in-person or remotely through an online platform.
- 5.7 An optional pre-committee meeting for Committee members to engage with Solid Waste & Recycling staff on the scheduled topics shall be held, as requested.
- 5.8 To the extent possible, meetings will follow equity and trauma-informed guidelines that create an accessible and welcoming environment for membership participation.
- 5.9 Meeting information, including the agenda and staff reports, will be provided to Committee members one week prior to the meeting. Public notice of meetings will be posted at least one week prior to the meeting on the Solid Waste & Recycling division website.
- 5.10 A simple majority of the voting members shall constitute a quorum (minimum number of members necessary to conduct the business of the Committee). For purposes of determining a quorum and for purposes of voting, attendance via a telecommunication link is acceptable.
- 5.11 The Committee shall conform to the procedures outlined by the open meetings law of the State of Oregon. [ORS 192.610-695]
- 5.12 The Garbage and Recycling Advisory Committee may establish panels, study groups or subcommittees to conduct research and advise the membership.

VI. RULES OF ORDER:

Generally, the Committee shall adhere to the following rules as they relate to meeting procedure:

- 6.1 Committee, Staff and Public Interaction:
 - The role of the Chair is to keep the Committee on task and on time.
 - Everyone on the Committee participates.
 - Unless a Public attendee is recognized by the Chair, only the Committee members and Staff may participate in discussion. If a Public attendee is recognized and asked to comment or to clarify a point, the response will relate only to the request made by

the Committee and may be subject to a time limit.

- A designated part of each agenda will be established to allow members of the audience an opportunity to speak to the Committee (Public Comment period).
- If a Public attendee follows the procedures to give public comment, the Chair will recognize that person for public comment.
- Any new business that results from Committee discussion, or is suggested during the Public Comment period, should be placed on the next meeting agenda. The Committee may ask Solid Waste & Recycling division staff to examine the issue and report at a future meeting.
- Agenda items are identified and placed on the agenda by the Chair and the Solid Waste & Recycling division manager, in advance of the meeting.
- Notice of a member's inability to attend meetings should be provided to the Chair and Solid Waste & Recycling division manager in advance of scheduled meeting dates.
- Meetings will start on time. Members are expected to be on time.

6.2 Internal Committee Communication and Interaction:

- Allow a single Committee member to talk at a time.
- Focus on tasks and discourage distractions.
- Encourage all ideas.
- Strive for facts and understanding of other points of view.
- Encourage thoughtful disagreement.
- Provide and value constructive feedback. Avoid being defensive.
- Emphasize open and honest communication.
- De-personalize discussion of issues.
- Listen, be non-judgmental and keep an open mind.
- Emphasize balanced participation of all Committee members.
- Respect the Committee's time and meeting timetables.
- Foster and strengthen diversity, equity and inclusion in decision making on matters related to garbage and recycling in Washington County.

VII. GARBAGE AND RECYCLING ADVISORY COMMITTEE RELATIONSHIP TO THE BOARD AND STAFF:

7.1 Relationship to the Board of Commissioners:

7.1.1 Garbage and Recycling Advisory Committee members will be appointed by the Board.

7.1.2 The Garbage and Recycling Advisory Committee and the Solid Waste & Recycling Division shall develop bylaws governing the administration and duties of the Committee. The Board shall review, revise, and adopt the Committee bylaws.

7.1.3 The Garbage and Recycling Advisory Committee shall advise and make recommendations to the Board on issues related to waste and solid waste management within the County.

7.1.4 The Garbage and Recycling Advisory Committee shall assess and report to the Board on the impact of proposed decisions that affect all users of the garbage

and recycling system.

7.2 Relationship to Staff:

7.2.1 The Garbage and Recycling Advisory Committee will work in cooperation with Solid Waste & Recycling division staff.

7.2.2 The Garbage and Recycling Advisory Committee will not be involved in the Department of Health and Human Services or Solid Waste & Recycling division administration or operations.

VIII. AMENDMENTS:

A recommendation to repeal or amend the bylaws of the Garbage and Recycling Advisory Committee may be proposed through a majority vote of all members of the Committee present, provided that it has been made available to each member at least twenty (20) days prior to the meeting at which a vote is taken. Any proposed bylaw amendment must be approved by the Board before final adoption and enactment.

Exhibit 4



AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

RO 22-15

Meeting Date: January 25, 2022
Agenda Category: ACTION
Department(s): Health and Human Services
Presented by: Mjere Simantel, Interim Director of Health and Human Services

CPO: All

Agenda Title: **Approve Temporary Amendments to Solid Waste and Recycling Administrative Rules**

REQUESTED ACTION:

Approve the Resolution and Order temporarily amending the Solid Waste and Recycling Administrative Rules, as set forth in Exhibit A of the Resolution and Order.

SUMMARY:

To ensure community members have access to recycling collection services for additional items not currently included in the curbside recycling program, your Board has directed staff to develop a new expanded recycling collection program that would be made available to community members through the County's current garbage and recycling collection service providers. Developing a new program will require adjustments to service standards in the Solid Waste and Recycling Administrative Rules and the adoption of rates for the new service.

For community members to maintain access to expanded recycling collection services prior to the launch of a new program, a temporary administrative rule has been drafted. This temporary administrative rule authorizes the collection of recyclable materials for compensation, that are not currently included in the curbside recycling program, until sanitary service certificate holders are authorized to provide such collection services. This temporary rule will allow a person, other than current certificate holders, to temporarily collect source separated recyclable material from residential generators if the materials are appropriately recycled or reused. The person must cease collection if a certificate holder is authorized to collect any such recyclable material. County staff will continue to work with the garbage and recycling collection service providers to develop additional recycling collection program offerings. Upon development of additional program offerings this temporary rule will be repealed.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

Your Board has received community member support for the continuation of collection services for recyclable materials not included in the curbside recycling program.

Legal History/Prior Board Action:

On January 18, 2022, staff attended a work session providing your Board considerations for expanded recycling collection services. Your Board directed staff to develop a program within the County's current solid waste collection regulatory framework and allow for a temporary authorization for other persons to offer similar services until such a service can be provided by sanitary service certificate holders.

Budget Impacts:

N/A

ATTACHMENTS:

[Temporary Amendments to Solid Waste and Recycling Admin Rules Resolution and Order 01/25/22](#)

[Exhibit A - Draft Solid Waste and Recycling Administrative Rules 01/25/22](#)

[Presentation Slides Additional Recycling Services](#)

Approved by the
Washington County Board of Commissioners
also serving as the governing body of Clean Water Services and all other County Districts



Ana Noyola, Management Analyst

January 25, 2022

Date Signed

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Amending the Solid Waste
and Recycling Administrative Rules pursuant
to WCC 8.04.050

RESOLUTION AND ORDER

No. 22-15

This matter having come before the Washington County Board of Commissioners at
its meeting on January 25, 2022; and

It appearing to the Board that Washington County Code 8.04.050 allows the Board
to promulgate reasonable rules and regulations regarding the collection, storage,
transportation and disposal of solid waste; and

It appearing to the Board that staff is developing an expansion of curbside recycling
collection services to be offered by certificated haulers; and

It appearing to the Board that community members desire to maintain access to
expanded recycling collection services prior to the launch of the new program; and

It appearing to the board that a temporary administrative rule is necessary to allow
for community members to maintain access to expanded recycling services prior to the
launch of the new program; and

It appearing to the Board that when the expansion of the curbside recycling program
is in place the temporary administrative rule will no longer be necessary and the Board will
repeal the temporary rule; and

1 It appearing to the Board that proposed temporary amendment to the existing rules
2 and regulations more particularly set forth herein is necessary to ensure community
3 member access to waste reduction services; IT IS THEREFORE,

4 RESOLVED AND ORDERED that pursuant to WCC 8.04.050, the amendments to
5 the Solid Waste and Recycling Administrative Rules set forth in Exhibit "A" (attached
6 hereto and by this reference incorporated herein) are adopted, effective immediately. New
7 material is underlined; deleted material is stricken.

8 DATED this 25th day of January, 2022.

9
10 BOARD OF COUNTY COMMISSIONERS
11 FOR WASHINGTON COUNTY, OREGON

12 
CHAIR

13 
14 RECORDING SECRETARY
15
16
17
18
19
20
21
22



WASHINGTON COUNTY
OREGON
Solid Waste & Recycling

January
2022



Solid Waste and Recycling Administrative Rules



WashingtonCountyRecycles.com
503-846-3605

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Solid Waste and Recycling Administrative Rules

1. Advancing Equity, Diversity, and Inclusion

Washington County uses an equity lens for all of its work including management of the solid waste collection system. The development of Solid Waste and Recycling Administrative rules include considerations of the impact on all users of and participants in the garbage and recycling system with an emphasis on historically marginalized groups. These rules provide a framework for the County to implement services and practices that equitably meet the needs of all residents,

2. Administrative Rules, Promulgation

To protect the health, safety, and welfare of the people of the County, the Department of Health and Human Services has found it to be to the benefit of the public to develop administrative rules and standards for solid waste management. Pursuant to Washington County Code 8.04.050 the Board of County Commissioners may promulgate reasonable rules and regulations to the administration of solid waste.

3. Definitions

- A. Bin means a plastic twelve (12) or fourteen (14) gallon capacity receptacle, without a lid, primarily used for the collection of glass.
- B. Board means the Washington County Board of County Commissioners.
- C. Business means any commercial or nonprofit entity, such as a store, office, manufacturing and industry facility, restaurant, warehouse, school, college, university, government, hospital and other similar entities doing business within the unincorporated County, but excludes businesses permitted in residences.
- D. Certificate means a sanitary service certificate, certificate for joint service, limited purpose certificate, temporary certificate or special sanitary service certificate issued by the Board.
- E. Certificate Holder means a hauler that has been issued a certificate allowing the provision of solid waste services within the unincorporated County.
- F. Collection Service means a service that provides for collection of solid waste or recyclables or both, as described in ORS 459 and 459A.
- G. Commercial means relating to an entity that is non-residential in nature.
- H. Compactor means electromechanical-hydraulic equipment designed for the containment and compaction of waste into a container or tube.
- I. Compacted Load means any container or other receptacle whose contents have been densified by mechanical or other means with the intent to increase the weight or density of the load.

- J. Compost(ing) means the controlled biological decomposition of organic material or the product resulting from such a process.
- K. Compostable Material and Compostable means yard debris or food scraps when source separated for controlled biological decomposition. Compostable material does not include food soiled paper products containing plastic or other materials that inhibit controlled biological decomposition.
- L. Container means a standardized, typically covered, receptacle of one (1) to eight (8) cubic yard capacity, that is mechanically lifted and the contents of which are combined in the collection vehicle with material from other containers.
- M. County means the County of Washington, a political subdivision of the State of Oregon.
- N. Curbside means located within five (5) feet of a public or private road for urban service.
- O. Customer means any business, resident, or multi-family dwelling that receives collection service from a hauler and includes the person that enters into an agreement with the certificate holder for collection services.
- P. Drop Box and Roll Off means a metal receptacle, typically uncovered and with doors, used for large volume collection and transportation of garbage, recyclable or compostable materials, primarily associated with but not limited to commercial or construction activity, with typical volume capacities of ten (10) to forty (40) cubic yards.
- Q. Enclosure means a fenced or walled area designed to secure and hide from view solid waste and recycling containers or other receptacles, but not those open areas which are incidental to a wall, barricade, or other structure.
- R. Food Scraps means solid waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food scraps includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food scraps does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations
- S. Food Scrap Generating Business means a business that cooks, assembles, processes, serves or sells food or does so as a service provider for other enterprises. Food generating businesses include but are not limited to: cafeterias, buffets, caterers, colleges, universities, correctional facilities, drinking places, elementary schools, secondary schools, food product manufacturers, food service contractors, full service restaurants, grocery retail stores, grocery wholesalers, hospitals, hotels, limited service restaurants, nursing and residential care facilities,

retirement and assisted living facilities, specialty food markets, and warehouse clubs with full-service restaurants or on-site food preparation or services.

- T. Gross Receipts means all receipts for the period from all revenue sources before any adjustments.
- U. Hauler means a person, firm or corporation engaged in the collection, transportation and/or disposal of solid waste, compostable and recyclable material from any location within the unincorporated County and that holds a certificate issued by the County to conduct the aforementioned activity.
- V. Landlord means the owner, or the person who is authorized by the owner, to manage the premises or to enter into a rental agreement on behalf of the owner.
- W. Materials Recovery and Recovery means any process of obtaining from solid waste, by pre-segregation or otherwise, materials that still have useful physical or chemical or biological properties after serving a specific purpose and can, therefore, be reused, recycled, or composted for the same or other purpose.
- X. Metropolitan Service District (Metro) means a district organized under ORS chapter 268 and exercising solid waste authority granted to such district as set forth in ORS chapter 459.
- Y. Mixed Recycling means the mixing together in one recycling receptacle all recycling material (except glass, motor oil, and compostable materials), as approved by the Department of Environmental Quality and the County.
- Z. Multi-Family means dwellings of five (5) or more units.
- AA. Occasional Service means service provided to a customer on other than a regular collection frequency.
- BB. Overweight Receptacle means any container, roll cart, or other receptacle whose total weight exceeds an identified maximum allowable weight per cubic yard of content.
- CC. Private Road means a road that meets Fire Marshall standards and is accessible to the public.
- DD. Property Manager means that person or entity who, on a regular basis, manages the operation of a multi-family dwelling.
- EE. Property Owner means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises. This includes a mortgagee in possession.
- FF. Rate(s) means the Board--approved customer charges for each specific service as provided in the current approved rate sheets. Rates are stated as a price per unit or per service which is multiplied times the number of units transported or the number of times a service is performed to determine a charge.

- GG. Receptacle means any bin, box, container, roll cart, tub, or other object designed for receiving, holding, or storing material.
- HH. Recyclable Material means any material or group of materials that has or retains useful physical or chemical properties after serving its original purpose(s) or function(s), that is separated from solid waste by the generator or at a material recovery facility.
- II. Recycling means any process by which solid waste materials are transformed into new products in a manner that the original products may lose their identity.
- JJ. Regular Service means a pre-determined scheduled collection service that occurs at recurring intervals.
- KK. Residential means single-family dwellings and dwellings having four or less units.
- LL. Reuse means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.
- MM. Roadside means located within five (5) feet of where the U.S. Postal Service provides service for rural areas.
- NN. Roll Cart means a plastic, covered receptacle with an incorporated handle and wheels, used for receiving and holding solid waste, recyclables, or compostables with a normal capacity range between twenty (20) and ninety-six (96) gallons.
- OO. Rural means those unincorporated areas outside the Metropolitan Service District (Metro) boundary, with the exception of the entire area covered by Sanitary Service Certificate No. 4.
- PP. Service Area means the unincorporated portion(s) of Washington County in which a Hauler is permitted to operate.
- QQ. Solid Waste means all useless or discarded putrescible and nonputrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge; useless or discarded commercial, industrial, demolition and construction wastes, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances; manure, vegetable or animal solid and semisolid materials, dead animals and infectious waste as defined in ORS 459.386; but does not include:
- a. Hazardous waste as defined in ORS 466.005;
 - b. Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.
- RR. Source Separated means that the person who last used the recyclable or compostable material separated the recyclable or compostable material from solid waste.

- SS. Technical Assistance Program means any formal program or effort developed by or through the County to provide assistance to businesses to reduce waste, reuse, or recycle.
- TT. Unit means an individual occupied space that exists within a multi-family dwelling.
- UU. Urban means those unincorporated areas within the Metropolitan Service District (Metro) boundary and the entire area covered by Sanitary Service Certificate No. 4.
- VV. Waste Prevention means to reduce the amount of solid waste generated or resources used, without increasing toxicity, in the design, manufacture, purchase or use of products and packaging. Waste prevention does not include reuse, recycling or composting.
- WW. Waste Reduction means the term used to encompass all practices that either prevent the generation of waste or divert it from landfill disposal including waste prevention, reuse, and recovery.
- XX. Yard Debris means solid waste consisting of grass clippings, leaves, hedge trimmings and similar vegetative material generated from residential property or landscaping activities but does not include stumps or similar bulky wood materials or food.
4. *(Reserved) Regulation*
5. *(Reserved) Solid Waste Advisory Committee (SWAC)*
6. *(Reserved) Certificates*
7. *(Reserved) Rates*
8. *(Reserved) Washington County Cooperative*
9. Insurance and Indemnification
- A. The hauler shall carry insurance coverage and limits as described in this section. All insurance carried by the hauler must be primary and non-contributory with any insurance, including any self-insurance or retention carried by the County. A waiver of subrogation in favor of the County shall be required on General Liability, Workers' Compensation and Automobile Liability coverage. The waiver of subrogation endorsement shall be attached to the certificate of insurance.
- a. The hauler shall comply with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers. No Workers' Compensation insurance has been or will be obtained by the County for the hauler or the hauler's employees or subcontractors. The hauler shall provide and maintain workers' compensation coverage for its employees, officers, agents or partners as required by applicable workers' compensation laws including employers' liability with limits not less than \$500,000/ \$500,000/ \$500,000.

- b. The hauler shall at all times carry Commercial General Liability insurance coverage which shall include, but not be limited to, coverage for premises liability and work performed by independent and subcontractors. The minimum limits shall be:
 - \$2,000,000 Policy Aggregate
 - \$2,000,000 Products and Completed Operations Aggregate
 - \$1,000,000 Each Occurrence
 - \$1,000,000 Personal and Advertising Injury
- c. The hauler shall at all times carry Automobile Liability insurance in the amount of \$1,000,000 combined single limit per accident for Bodily Injury and Property Damage, for haulers' vehicles, whether owned, hired, or non-owned, used in connection with certificated work, which includes coverage for the County, its agents, officers, elected officials and employees. The hauler shall at all times carry an Automobile Pollution Liability endorsement in the minimum amount of \$1,000,000.
- B. The hauler shall name as additional insureds the County, its agents, officers, elected officials and employees. The hauler's General Liability and Auto Liability policies must be endorsed to show this additional coverage. The additional insured endorsement must be attached to the certificate of insurance.
- C. The hauler shall submit to the Department of Health and Human Services a current certificate of insurance evidencing all policies required by these rules, including additional insured provisions afforded by the policies. This requirement may be satisfied by providing a certificate of insurance(s) and/or the endorsement(s).
- D. All insurance carriers shall have an AM Best rating of A VIII or better.
- E. In the event that the hauler does not obtain, renew, or maintain the required insurance and furnish evidence thereof, County may either procure the required coverages at the haulers expense or exercise any remedies provided under these rules or WCC 8.04.
- F. The hauler shall notify the Department of Health and Human Services within five (5) business days of the effective date of any substantive change to any insurance policy or endorsement required by these rules. Examples include, but are not limited to, changes in insurance carrier, policy limits, and or changes in coverage.
- G. The hauler shall be responsible to pay any amounts within the deductible or retention amount without contribution from the County.
- H. The hauler shall require and verify that all of its subcontractors, performing work directly related to its certificate, provide insurance coverage and limits identical to the insurance required of the hauler in these rules.

10. *(Reserved) Regional Support*

11. *(Reserved) Annual Programs*

12. Reporting, General

A. Recycling and Solid Waste Disposal Report

- a. The hauler shall collect data monthly relative to disposal, recycling and composting and submit reports to the County's Department of Health and Human Services, Solid Waste & Recycling Program. Haulers shall submit reports electronically.
- b. Data shall be collected and reported using methods prescribed by the County and submitted in full on forms provided by the County.
- c. Only data that is considered complete and acceptable by the County will be used by the County to develop or modify services, and for rate setting purposes.
- d. Reports shall be submitted to the County quarterly and are due no later than April 30th, July 31st, October 31st, and January 31st. Submitted reports shall include data for each month prior to the due date.

B. Quarterly Gross Receipts Statement

- a. The hauler shall file with the County a gross receipts statement for services rendered for compensation for the quarterly periods ending March 31st, June 30th, September 30th, and December 31st of each year. Statements shall be filed on forms provided by the County.
- b. Data shall be collected and reported using methods prescribed by the County.
- c. Statements shall be submitted to the County quarterly and are due no later than April 30th, July 31st, October 31st, and January 31st. Submitted statements shall include data for each month prior to the due date.

C. Annual Report

- a. The hauler shall file an end-of-the-year summary of financial and operational activity on forms provided by the County. Haulers shall submit reports electronically.
- b. Data shall be collected and reported using methods prescribed by the County.
- c. Only data considered complete and acceptable shall be submitted. This data may be used by the County to develop or modify services and for rate setting purposes.
- d. Data shall be submitted to the County no later than March 15th of the succeeding year being reported. If March 15th falls on a Saturday or Sunday, the annual report shall be due on the following Monday.

- e. A hauler selling, canceling, transferring, or in some other manner discontinuing operations must submit an annual report for that portion of the year in which the company operated.
- f. The County shall provide haulers with written confirmation of the receipt of all required reports.

D. Other Reports

The County may require the hauler to file periodic or special reports, or request other information, at its discretion.

13. Education and Promotion, General

- A. The hauler is responsible for notifying and educating its customers on waste reduction activities. Haulers shall use and distribute educational and other materials provided by the County without alteration except for the addition of hauler contact information. Haulers may also use their own materials in addition to County materials. The hauler shall submit all educational and promotional materials it produces to the County prior to distribution. The County shall review and approve all materials within two weeks of submittal.
- B. The hauler shall actively advocate waste recovery to its customers.
- C. The hauler shall not represent to any customer that materials, except for the materials listed in Sections 14.N.- 14.P., collected by the hauler as recyclables or compostables are actually being recovered if the hauler knows that the materials are not actually being recovered.

14. Service Standards

- A. Purpose. To establish minimum service requirements for solid waste, recycling and compostable material collection.
- B. Scope. These standards apply to all haulers within the unincorporated area of Washington County.
- C. Goal. To provide Washington County residents, businesses and multi-family dwellings safe and efficient solid waste, recycling and compostable material collection service.
- D. Effect. Service standards are designed to provide efficient solid waste service and increase the customer's access to the benefits of recycling, composting and other waste reduction activities, thereby reducing costs to the ratepayer, ensuring a fair return to the hauler, increasing the life of local landfills, and creating a generally positive impact on the environment in terms of reduced waste, conserved resources, reduced pollution, and decreased energy consumption.
- E. Consistent Service Requirement
 - a. Collection Service and Rates

1. The hauler shall provide all services for which it has a certificate and for which a rate, including a specified receptacle size, has been established by the County. If the hauler cannot provide a customer requested-sized receptacle (and that requested size is listed in the County established rate sheets), the hauler must provide alternate-sized receptacles sufficient to meet the capacity originally requested by the customer, at the same rate as would have applied for the requested receptacle.
2. The hauler shall not charge any rate or fee other than the rates or fees approved by the Board. However, nothing is to prevent a hauler from making allowances or providing services at a reduced cost for a charitable, community, or benevolent purpose or event. The hauler shall report to the County, on an annual basis, whenever it deviates from established rates for the aforementioned purposes.
3. The hauler shall not extend preferential treatment to any customer or group of customers.
4. Any service or option specified in the Board-approved rate sheets shall be available to all customers.
- .
5. The hauler shall determine solid waste, recycling and compostable material collection days.
6. The hauler shall provide "recycling only" service upon request.
7. The hauler shall ensure that glass is kept separate from other collected recyclable and compostable material and that source-separated glass is not mixed with other materials on the truck.
8. The hauler is responsible for transport and delivery of source-separated recyclable or compostable material to a processor or broker of recyclable or compostable material or to an end-use market. The hauler shall not deliver or cause to be delivered any collected recyclable or compostable material for disposal except by prior County approval.
9. The hauler shall comply with ORS 459A and OAR 340 and the provisions regarding delivery of collected recyclables.

b. Missed Collection

1. The hauler shall collect all properly prepared solid waste, recyclable and compostable material placed out for collection on the customer's regularly scheduled collection day. If materials placed out for collection are not in the proper location, are inaccessible, or are contaminated, or if the receptacles are overweight or in excess of the

level of service agreed to by the customer, the hauler may decline to collect them. The hauler must provide the customer a County-approved notice setting forth the reasons for non-collection and list the hauler's name and phone number. The hauler may choose to provide the notice by telephone to its commercial customers.

2. If the hauler intends to change a scheduled collection day because of an Oregon state legal holiday, the hauler shall notify the customer of the revised collection schedule at least fourteen (14) days prior to the holiday. Regularly scheduled collection services are generally provided on all holidays except Christmas and New Year's. If a hauler misses a scheduled collection day due to a holiday, the hauler generally shall provide services the next day.
3. The hauler shall not be held responsible for missed collection due to temporary access restrictions imposed by local authority, adverse weather, natural disaster, or other hazardous conditions but shall make every effort to provide service as soon as possible thereafter as follows:
 - (a) On any day when collection services are interrupted, the hauler shall notify the County via phone message or e-mail by no later than 6:00 a.m. on the day in question of the extent that collection schedules have been or are being changed.
 - (b) If the hauler misses a scheduled collection day due to adverse weather or other hazardous conditions the hauler shall provide services the next day.
 - (c) If adverse weather or other hazardous conditions persist for more than one (1) day, all collection services for customers may be deferred until their next regularly scheduled collection day. The County may authorize the priority of collection for garbage, recycling or compostable materials based on the hazardous conditions.
 - (d) There will be no billing credit applied for missed collection service due to adverse weather or other hazardous conditions. Instead there will be no additional charge for extra material set out on the next regularly scheduled collection day if the total volume of material set out is no greater than twice the level of the customer's current subscribed level of service. If the adverse weather or other hazardous conditions continue for more than one collection pickup, the customer may set out extra material equal to the total volume of collection service missed. Only properly prepared materials shall be collected.
 - (e) The hauler shall provide customer notification of any revisions to the regularly scheduled pick-up schedule via the hauler website and through at least one of the following methods - recorded message, email or by other means.

4. The hauler shall respond promptly to reports of missed collections. In order to receive a remedy for a missed collection, the customer must notify the hauler no later than the end of the second business day after the date of the missed collection. Customers will not receive a bill credit for missed collections. Instead, the following remedies will be provided:
 - (a) If the missed collection is caused by the hauler, the customer may request that the hauler collect the material within one (1) business day of the customer or County report; or the customer can set out the material on the next collection day. There will be no extra charge for missed pick-ups caused by the hauler.
 - (b) For residential collection only: if the missed collection is caused by the customer setting out the receptacle late, improperly preparing material or improperly positioning the receptacle (i.e. too close to objects or car blocking the receptacle) the customer will be given two (2) options. The customer may: 1) request a special pick-up to be charged at the call-back rate established by the County; or 2) notify the hauler that the material will be set out on the next regular collection day. There will be no additional charge for material set out on the next collection day if the total volume set out, including the missed collection, is no greater than twice the customer's current subscribed level of service. Only properly prepared materials shall be collected.
 - (c) For commercial collection only: if the missed collection is caused by blocked access to the receptacle or improperly preparing material, the customer may correct the problem and request a special pick-up charged at the call-back rate specified in the Board-approved rate sheets.
 - (d) Each customer caused missed collection must be documented by the hauler through a verifiable means such as the maintenance of a set-out log book or route video.

c. Collection and Storage

1. The hauler shall immediately pick up any solid waste, recyclables or compostable material spilled by the hauler.
2. The hauler shall store and collect solid waste, recycling, compostable material, and hazardous wastes so as to not create vector production and sustenance, conditions for transmission of disease to human or animals, fire hazards or hazards to service or disposal workers or to the public.

3. The hauler shall load and operate collection vehicles so as to prevent dropping, leaking, blowing, sifting or escaping of solid waste, recyclable or compostable material from the vehicle on the public highway.
4. The hauler shall operate collection vehicles that are sufficiently watertight to prevent the loss of any liquid wastes from the vehicle.
5. The hauler shall ensure that the collection vehicle is attended or securely closed except when collecting solid waste, recyclable and compostable material or hazardous waste.

F. Customer Service - New Accounts, Service Level Changes, Termination

- a. The hauler, when establishing or changing collection service, may only request the following personally identifiable information from customers:
 1. Name (first and last)
 2. Service address
 3. Billing address (if different than the service address)
 4. Service address rented or owned
 5. Landlord name and phone number (if rented)
 6. Phone number
 7. Mobile phone number
 8. Email address
 9. Financial information needed to establish online billing or payment
- b. The hauler may collect additional personally identifiable information as needed to investigate and take action against fraudulent activities that may result in theft of service.
- c. The hauler must, as required by state and federal law, enact and follow security procedures to protect and prevent personally identifiable information from disclosure.
- d. The hauler shall respond to requests for new service within one (1) business day.
- e. The hauler shall commence the requested level of service on the next regularly scheduled collection day, or no later than five (5) business days after the day that the request was made, unless otherwise requested by the customer. If unable to provide the service, the hauler must notify the County.
- f. The hauler shall provide each new customer with information that includes a description of services and rates, recycling guidelines and resources, recycling options, and hauler contact information, including but not limited to business address, telephone number, fax number, business hours, and e-mail address.

- g. The hauler shall not change a customer's collection service, unless requested by the customer, without giving at least fourteen (14) calendar day notice to the customer and County.
- h. Customers shall make available all receptacles for retrieval by haulers when terminating service. Haulers shall retrieve said receptacles within seven (7) days following the last scheduled day of service.
- i. The hauler shall notify the customer at least twenty-four (24) hours prior to retrieving receptacles.
- j. After service has been terminated, if a customer fails to make their receptacles available for retrieval by the hauler, the hauler may charge a fee to customers for their unreturned receptacles, excluding bins, as specified in the Board-approved rate sheets. The hauler must follow the following procedure in order to charge said fee:
 - 1. The hauler shall notify all customers in writing of the requirement for the customer to make available all receptacles for retrieval and of the possibility of incurring a fee should they fail to make their receptacle available. Said notice may be included as part of the customer's regular bill, or as part of the new customer information packet, or in any other comparable means.
 - 2. The hauler shall provide to the County a copy of the written notification that has been provided to their customers.
 - 3. The hauler shall allow a grace period for the customer to return the receptacle prior to the next regularly scheduled pick-up date without charge.
 - 4. After the expiration of the grace period, the hauler may send a bill to the customer noting the fee for the unreturned receptacle as a separate line item on the bill.
 - 5. Upon return of the receptacle, the hauler shall either remove the fee from the customer's bill or provide a refund to the customer.

G. Customer Service – Office Procedures

- a. The hauler shall notify the County in writing of any change in physical business address, business mailing address, business phone number, business hours, or business name. This notice must be filed by letter, or e-mail at least ten (10) business days before the effective date of the change.
- b. The hauler shall provide the County with its current primary and secondary contact names, phone numbers, and e-mail addresses.
- c. The hauler shall provide electronic mail (email) to the County.

- d. The hauler shall provide the County with a current telephone number where it can be reached outside its established office hours in the event of an emergency.
- e. The hauler shall have voice mail, an answering machine, or answering service to receive calls when company personnel are unavailable.
- f. The hauler shall, at least annually, provide its employees with training on implicit bias. Trainings shall include the promotion of bias-reducing strategies to address how unintended biases regarding race, ethnicity, gender identity, sexual orientation, socioeconomic status, or other characteristics may impact how services are provided.
- g. The hauler shall ensure persons with Limited English Proficiency are not discriminated against and are provided meaningful access to collection services.
- h. The hauler shall take all reasonable steps to ensure that translation services are provided in all "Safe Harbor Languages", as defined by Washington County.
- i. The hauler shall notify customers that language services are available to them at no cost.
- j. The hauler shall have available the following items for customer review: the County's solid waste & recycling administrative rules and the Board-approved current rate sheets.
- k. The hauler shall maintain a system to receive, compile, and respond to service complaints including, but not limited to, missed collection, billing disputes, or service discontinuation. All service complaint calls must be recorded noting date, address, a summary of the complaint, and a description of the method of resolution.
- l. When responding to complaints or otherwise dealing with the public, the hauler shall not use foul or abusive language.
- m. The hauler shall respond to customer or County calls (including Code Enforcement requests), e-mails, or complaints within one (1) business day.
- n. The hauler shall make all individual account information available to County personnel upon request.

H. Customer Service – Billing (Regular Service Only)

- a. The hauler shall bill customers for regular service either once per month or once every two (2) months.
- b. Customer payments shall not be due more than thirty-one (31) days before the end of the service period being billed, nor less than fourteen (14) days after the date of the postmark on the billing.

- c. If a customer initiates or terminates regular service within a calendar month, monthly rates and charges shall be prorated based upon the number of pick-ups actually provided in that month.
- d. The billing statement shall contain the following:
 - 1. Account information including the service address, the billing period, and the customer's level of service and billing rate using terms consistent with the Board-approved rate sheets.
 - 2. An itemization of any additional charges or credits incurred during the billing period including, but not limited to, prorated charges, extras, distance charges, overcapacity charges, call-back fees, non-sufficient check charges, or vacation credits. Additional charges or credits shall be stated on the billing statement consistent with the Board-approved rate sheets.
 - 3. The total amount due, the date payment is due, and any amount brought forward.
 - 4. The hauler name, address, email address, website information, and phone number.
- e. The hauler shall provide within five (5) business days of a request by the customer or the County, the customer's billing records or statements of account containing an itemized and dated listing of any disputed charges, except as provided by Section G (n).

I. Customer Service – Refunds and Credits

- a. The hauler shall either pay a refund due to a customer within thirty (30) calendar days of the hauler being informed or discovering that a refund is required or provide a credit on the customer's next bill. For a refund equal to \$50.00 or greater, the customer shall determine the preferred refund option.
- b. Refunds or credits from overcharges shall be equal to the amount overcharged.
- c. Vacation Credit-Residential Collection Service Only:
 - 1. A vacation credit shall be given to customers who stop collection service for a period of two (2) consecutive weeks or longer, not to exceed six (6) months.
 - 2. A collection service stop of eight (8) weeks or less shall be considered a vacation credit.
 - 3. Only two (2) vacation credits shall be issued to any service account within a single calendar year period.

4. The request for a vacation credit must be made at least forty-eight (48) hours in advance of the first pickup that is scheduled during the vacation period.
5. A vacation credit shall be determined by dividing the monthly collection rate by the number of collections scheduled for that month and then multiplying that number by the number of weeks of temporary service discontinuation being requested.

J. Receptacles

- a. The hauler shall be responsible for furnishing, delivering, maintaining, and replacing all solid waste, recycling and compostable material receptacles, except a rural customer may choose to provide the receptacle for 32 gallon and smaller service. Replacement of lost, damaged, or stolen receptacles provided by the hauler shall be the responsibility of the hauler.
- b. Replacement of receptacles provided by the hauler that have been reported as missing by the customer shall be the responsibility of the hauler.
- c. Repair or replacement of damaged roll carts or bins provided by the hauler shall be the responsibility of the hauler.
- d. Repair or replacement of damaged containers or drop boxes shall be the responsibility of the customer when the damage has been shown to be caused by the customer. In such cases the hauler shall be required to reach a mutual agreement with the customer as to the means and amount of recovery for the costs related to such repair or replacement. If there is not such an agreement with the customer, then the hauler may seek any legal or civil remedy available.
- e. Prior to entering into an agreement for drop box service, the hauler shall provide notice to the customer that damage to drop boxes caused by the customer may be the responsibility of the customer.
- f. The hauler shall deliver all receptacles in serviceable condition.
- g. All solid waste and compostable material containers, roll carts, and all other receptacles whether provided by the customer or hauler, shall be leak proof and have lids or covers to prevent material from blowing, leaking, or falling out, and to protect the materials from vector populations and the elements.
- h. The hauler shall not charge a deposit for receptacles or a fee to collect unused receptacles.
- i. The hauler shall not charge for a swap-out or cleaning of receptacles unless requested by the customer.
- j. All roll carts purchased after December 31, 2022, must be made of materials consisting of a minimum thirty (30) percent recycled content.

- k. Only the certificated hauler shall provide containers that it mechanically collects. However, a customer may provide a drop box/compactor, so long as the drop box/compactor is compatible with the hauler's equipment.
- l. Customers shall not use any material to constrain the lids on any receptacle.
- m. No receptacle shall be placed by the customer in a location or manner that creates a hazardous or unsafe condition for the hauler.
- n. Container and Drop Box/Compactor Location:
 - 1. The hauler shall not be required to place a container or drop box/compactor in an enclosure unless there is clear and unobstructed vehicle access to the enclosure, any gate or door on the enclosure is openable during the time of service, the gate or door is able to be secured in the open position, and the usable enclosure opening is at least ten (10) feet wide.
 - 2. The hauler shall not:
 - (a) place a container or drop box/compactor in an area that has less than twenty-five (25) feet of vertical clearance,
 - (b) place a container or drop box/compactor so as to obstruct traffic or designated pedestrian walkways,
 - (c) place a container or drop box/compactor with wheels on an incline unless the wheels are lockable and able to be positioned in a direction opposite the incline,
 - (d) place a container or drop box/compactor on, over, or behind a curb or any other obstruction that prevents ease of movement without consent of the customer, or
 - (e) place a container or drop box/compactor so as to obstruct or block drainage, fire hydrants, or emergency access/egress to a structure.
 - 3. The hauler shall not be required to service any container or drop box/compactor that has been significantly moved from the original location agreed upon at the time of initial service.

K. Labeling

- a. All containers and roll carts shall be clearly labeled, using consistent and standardized words and/or graphics provided by the County or approved by the County.
- b. Haulers shall either use graphic decal or label materials provided by the County or County-approved materials for all receptacles.

- c. Labels on all containers and roll carts must be updated to reflect the current use of the receptacle.
- d. County provided materials are for use within the unincorporated County or County-approved areas only.

L. (Reserved) Weight limits

M. (Reserved) Restrictions

N. Residential Service Standards, Specific

a. All Residential Collection Customers:

1. The hauler shall provide weekly solid waste collection service to all customers, except residential will-call or recycling-only collection service customers.
2. Residential collection shall begin no earlier than 6:00 a.m. and shall be completed by 7:00 p.m. The County must be notified in advance of collection made after 7:00 p.m. on a particular day.
3. The customer shall set out the receptacle prior to 6:00 a.m. on the collection day.
4. The hauler shall deliver clean, and in working order, recycling bins and roll carts to customers.
5. The hauler shall only be required to collect the contents of any roll cart if it is set out without impediment to the automated collection process and to prevent damage to property during collection.
6. The hauler shall be required to collect the contents of any receptacle, bag, or bundle subject to the maximum weights specified in the table below:

Size/Type	Maximum Weight Including Receptacle
Up to and Including 20 gallon bin or cart	35 lbs.
Over 20 gallons, up to and Including 32 gallon customer provided receptacle	60 lbs.
Hauler provided roll carts of 32-35 gallons	75 lbs.
Hauler provided roll carts of 60-65 gallons	100 lbs.
Hauler provided roll carts of 90-96 gallons	145 lbs.
Yard Debris	
• Kraft Paper Bag	40 lbs.
• Bundle	40 lbs.
Extra Bag or Bundle of Garbage	25 lbs.

7. The customer will not receive a reduced rate if recycling or yard debris collection service is declined.
8. The hauler shall pick up the following materials set out for collection, as long as the materials are prepared according to County guidelines and education materials.
 - (a) Mixed Recycling
 - (1) Metals: Aerosol cans, aluminum and steel tinned cans, ferrous and nonferrous scrap no greater than thirty-six (36) inches in length and forty (40) pounds in total weight.
 - (2) Paper: Magazines, newspapers, office paper (including white and colored ledger and computer), scrap paper (including envelopes, fax paper, blueprints, brochures and other miscellaneous papers), paper board, box board, and telephone directories.
 - (3) Corrugated cardboard and Kraft paper; Boxes placed outside the container should be flattened and cardboard pieces should be no larger than thirty-six (36) inches by thirty-six (36) inches.
 - (4) Plastic bottles and tubs larger than six (6) ounces, plastic buckets five (5) gallons or less and rigid plastic nursery pots four (4) inches or larger.
 - (b) Glass: bottles/jars, colored and clear mixed. Glass shall be placed at curbside or roadside, separate from other recyclables, in a rigid receptacle.
 - (c) Used Motor Oil: contained in see-through plastic receptacle with a screw-top lid. No breakable or leaking receptacles. No contaminants such as anti-freeze, solvents, gasoline or water shall be included.
 - (d) Yard Debris: leaves, weeds, grass clippings, branches, and prunings no greater than four (4) inches in diameter or thirty-six (36) inches in length. No animal waste, dirt, sod, stumps, metal, rocks, ashes, food waste, lumber, or garbage shall be included.
9. Customers will not be charged for recyclable material that does not fit in receptacles (the receptacles are full) as long as it is properly prepared and set out on the scheduled pick up day. A customer may request one additional roll cart for purposes of setting out additional recyclable material. However, if a customer requests more than one additional roll cart(s) the hauler shall charge a fee for the additional roll cart(s), as specified in the Board-approved rate sheets.

b. Urban Residential Collection Customers Only:

1. The hauler shall provide to urban customers (including will-call and recycling-only customers) every-other-week recycling collection service.
2. The hauler shall provide to urban customers every-other-week yard debris collection service. Yard debris collection service is not included in recycling-only service.
3. This service shall include one clearly labeled ninety to ninety-six (90-96) gallon roll cart for mixed recycling collection, one clearly labeled sixty (60) gallon roll cart for yard debris collection, and at least one (1) bin for the collection of glass.
4. After a sixty (60)-day trial usage period the hauler shall provide an alternative-sized recycling roll cart at no additional cost to urban customers based on a justifiable need such as physical limitations, space limitations, or homeowner association covenants.
5. The hauler shall collect mixed recycling, glass, used motor oil or yard debris on the same day of the week that solid waste is collected.
6. Distance Charges
 - (a) Haulers shall provide non-curbside, residential collection service for each applicable collection service component (solid waste, recycling and yard debris) upon request by the customer.
 - (b) Haulers shall charge a distance fee when receptacles are placed for collection more than five (5) feet from the curbside.
 - (c) Haulers shall charge a single distance fee monthly for regular residential collection service (solid waste, recycling, and yard debris).
 - (d) Distance charges shall be assessed at a flat rate, as specified in the Board-approved rate sheets.
 - (e) Haulers shall provide non-curbside, residential collection service for each applicable collection service component (solid waste, recycling, and yard debris) at no extra charge to disabled residential customers. To qualify for non-curbside collection at no extra charge, a residential customer must attest in writing to the following:
 - (1) He/she meets the eligibility criteria established by the State of Oregon, as defined in ORS 801.387 Person with a disability; and

- (2) That no one resides in the household capable of placing the receptacles at curbside.

c. Rural Residential Collection Customers Only:

1. The hauler shall provide to rural customers (including will-call and recycling-only customers) every-other-week recycling collection service.
2. This service shall include one clearly labeled ninety to ninety-six (90-96) gallon recycling roll cart for the collection of mixed recycling and at least one bin for the collection of glass. Each roll cart shall be labeled with a mixed recycling decal(s) provided by the County prior to the distribution to the customer. Nothing shall prevent a customer from providing a 32-gallon or smaller receptacle for mixed recycling so long as the receptacle is compatible with the hauler's collection equipment and it is self-evident that the receptacle contains recyclable materials.
3. After a sixty (60)-day trial usage period the hauler may provide an alternative-sized recycling roll cart at no additional cost to rural customers upon request.
4. The hauler shall collect mixed recycling, glass and used motor oil on the same day of the week that solid waste is collected.
5. Distance Charges
 - (a) Haulers shall provide non-roadside residential collection service for each applicable collection service component (solid waste and recycling) upon request by the customer.
 - (b) Haulers may charge a distance fee when receptacles are placed for collection more than five (5) feet from the roadside.
 - (c) Haulers shall charge a single distance fee monthly for regular residential collection service (solid waste and recycling).
 - (d) Distance charges shall be assessed at a flat rate, as specified in the Board-approved rate sheets.
 - (e) Haulers shall provide non-roadside collection service for each applicable collection service component (solid waste and recycling) at no extra charge to disabled residential customers. To qualify for non-roadside collection at no extra charge, a residential customer must attest in writing to the following:

- (1) He/she meets the eligibility criteria established by the State of Oregon, as defined in ORS 801.387 Person with a disability; and
- (2) That no one resides in the household capable of placing the receptacle at roadside.

O. Multi-Family Dwelling Service Standards, Specific

- a. Solid waste and recycling collection receptacles shall be serviced at least weekly and at reasonable intervals so as not to create a nuisance. When service is provided by drop box or compactor or for on-call collection, it shall be provided at regular intervals so as not to create a nuisance.
- b. Multi-family dwelling collection shall begin no earlier than 6:00 a.m. and shall be completed by 7:00 p.m. The County must be notified in advance of collection made after 7:00 p.m. on a particular day.
- c. The hauler shall provide the following minimum collection service volumes:
 1. Twenty (20) gallons per unit per week for garbage.
 2. Twenty (20) gallons per unit per week for mixed recycling.
 3. One (1) gallon per unit per week for source-separated glass.
- d. Overweight and Overloaded Containers:
 1. The maximum weight of a solid waste or recycling collection container's contents shall be 250 pounds per loose cubic yard.
 2. The maximum weight of a solid waste or recycling collection compacted container's contents shall be 500 pounds per cubic yard, not to exceed 8,000 total pounds for the contents and container.
 3. The maximum weight of any bag, bundle or cart's contents shall be as specified in the table below:

Size/Type	Maximum Weight Including Receptacle
Up to and Including 20 gallon bin or cart	35 lbs.
Over 20 gallons, up to and Including 32 gallon customer provided receptacle	60 lbs.
Hauler provided roll carts of 32-35 gallons	75 lbs.
Hauler provided roll carts of 60-65 gallons	100 lbs.
Hauler provided roll carts of 90-96 gallons	145 lbs.
Yard Debris	
• Kraft Paper Bag	40 lbs.
• Bundle	40 lbs.
Extra Bag or Bundle of Garbage	25 lbs.

4. Any solid waste or recycling container, whose contents can be shown to weigh more than the established maximum allowable weight per cubic yard, shall be considered overweight and shall be charged as a compacted load.
5. When providing service, the hauler shall inform the customer of potential overweight or overloaded conditions.
6. An overweight container shall be charged at the compacted load rate as indicated in the current Board-approved rate sheets.
 - (a) To determine the container overweight charge, divide the normal monthly charge by 4.33; divide the result by the number of weekly pickups; then multiply that number by the current compacted rate.
 - (b) Additional charges such as unscheduled service fees and call-back fees may be charged.
7. Prior to assessing an overweight charge, or refusing to pick up an otherwise unsafe receptacle, the hauler shall notify the customer of the overweight and/or unsafe condition. The customer shall then be given a reasonable opportunity to remedy the overweight and/or unsafe condition.
8. No hauler shall be required to pick up an overweight solid waste or recycling collection receptacle.
9. A receptacle shall be considered overloaded or unsafe if the receptacle is so filled as to allow material to fall out, has large items extending from the receptacle, or is so improperly loaded as to potentially cause damage to equipment or harm people.
- e. Multi-family dwelling mixed recycling service must be made available by the hauler. If ORS 90.318 (Criteria for landlord provision of certain recycling services) applies to an owner of a multi-family dwelling, the owner shall provide to all tenants:
 1. A separate location for receptacles for at least four (4) principal recyclable materials or for the number of materials required to be collected under the residential on-route collection program, whichever is less, adequate to hold the reasonably anticipated volume of each material; and
 2. Regular collection service of the source separated and mixed recyclable materials; and
 3. Notice at least once a year of the opportunity to recycle with a description of the location of the receptacles or depots on the premises and information about how to recycle. New tenants shall

be notified of the opportunity to recycle at the time of entering into a rental agreement.

- f. The hauler shall provide mixed recycling receptacles to all multi-family dwelling accounts as part of regular solid waste collection service. Yard debris collection shall be considered additional service and charged a Board-approved collection service rate. The requirements of this section do not apply when service is provided by drop box or compactor.
- g. All receptacles ordered after July 1, 2022, must comply with the following color standards, and be approved by the County. However, the requirements of this section do not apply when service is provided by drop box or compactor:
 1. Garbage receptacles shall be gray or black.
 2. Mixed recycling receptacles shall be blue.
 3. Compostable materials receptacles shall be green.
 4. Source-separated glass receptacles shall be orange.
- h. The hauler shall provide appropriately-colored receptacles by no later than July 1, 2028.
- i. The hauler shall ensure that all receptacles are labeled with County-approved decals for acceptable recyclable materials, glass, compostable materials, and garbage by no later than December 31, 2023. Existing decals or stickers must be removed and replaced with the appropriate decal.
- j. The requirement to provide mixed recycling does not limit the ability of the hauler to collect any other material deemed recyclable by the hauler, or to provide the customer with additional receptacles at no charge for high volumes of specific commodities such as paper or cardboard.
- k. The hauler shall pick up the following materials set out for collection as long as the materials are prepared according to County guidelines and educational materials.
 1. Mixed Recycling
 - (a) Metals: Aerosol cans, aluminum and steel tinned cans, ferrous and nonferrous scrap.
 - (b) Paper: Magazines, newspapers, office paper (including white and colored ledger and computer), scrap paper (including envelopes, fax paper, blueprints, brochures and other miscellaneous papers), paper board, box board, and telephone directories.
 - (c) Corrugated cardboard and Kraft paper: Boxes placed outside the receptacle should be flattened and cardboard pieces should be no larger than thirty-six (36) inches by thirty-six (36) inches.

- (d) Plastic bottles and tubs larger than six (6) ounces, plastic buckets five (5) gallons or less and rigid plastic nursery pots four (4) inches or larger.
 - 2. Glass: bottle/jars, colored and clear mixed. Glass shall be kept on the side, separate from other recyclables, in a rigid receptacle.
 - 3. Yard Debris: leaves, weeds, grass clippings, branches, and prunings no greater than four (4) inches in diameter or thirty-six (36) inches in length. No animal waste, dirt, sod, stumps, metal, rocks, ashes, food waste, lumber, or garbage shall be included.
 - I. On an annual basis the hauler shall provide to a property manager information regarding the County's multi-family assistance program and a description of services and rates, recycling guidelines, resources and options, and hauler contact information that for each hauler listed shall include the business address, telephone number, and e-mail address. The hauler must provide the County with verification annually that the required information has been provided to property managers.
- P. Business Service Standards, Specific
- a. Consistent Service Requirement
 - 1. Solid waste, recycling and compostable material collection receptacles shall be serviced at regular intervals so as not to create a nuisance.
 - 2. The hauler shall provide mixed recycling service to all commercial accounts as part of regular solid waste service.
 - 3. The hauler shall provide food scraps collection service to all customers in urban unincorporated Washington County. The requirements of this section do not apply when service is provided by drop box or compactor.
 - 4. The hauler shall provide mixed recycling receptacles to all commercial accounts as part of regular solid waste service. The requirements of this section do not apply when service is provided by drop box or compactor.
 - 5. The hauler shall pick up the following materials set out for collection, as long as the materials are prepared according to County guidelines and educational materials.
 - (a) Mixed Recycling
 - (1) Metals: Aerosol cans, aluminum and steel tinned cans, ferrous and nonferrous scrap.

- (2) Paper: Magazines, newspapers, office paper (including white and colored ledger and computer), scrap paper (including envelopes, fax paper, blueprints, brochures and other miscellaneous papers), paper board, box board, and telephone directories.
 - (3) Corrugated cardboard and Kraft paper: Boxes placed outside the receptacle should be flattened and cardboard pieces should be no larger than thirty-six (36) inches by thirty-six (36) inches.
 - (4) Plastic bottles and tubs larger than six (6) ounces, plastic buckets five (5) gallons or less and rigid plastic nursery pots four (4) inches or larger.
 - (b) Glass: bottle/jars, colored and clear mixed. Glass shall be kept on the side, separate from other recyclables, in a rigid receptacle.
 - (c) Yard Debris: leaves, weeds, grass clippings, branches, and prunings no greater than four (4) inches in diameter or thirty-six (36) inches in length. No animal waste, dirt, sod, stumps, metal, rocks, ashes, food waste, lumber, or garbage shall be included.
 - (d) Food Scraps: as defined in Section 3, Definitions. County approved bags are accepted in the food scraps collection receptacle. No "compostable" or "biodegradable" containers and utensils; napkins, wax paper, other food soiled paper products; garbage; yard debris; or large amounts of liquid, grease, or oil; shall be included.
6. For food scraps collection only: the hauler shall notify food scraps collection customers of improperly prepared materials by placing on the receptacle, an incorrect preparation notice or tag provided by the County. The hauler may use its own incorrect preparation materials upon approval by the County.
 7. Upon a customer's request, the hauler shall provide once per calendar year, a swap-out or cleaning of food scraps collection receptacles at no charge.
 8. The requirement to provide mixed recycling does not limit the ability of the hauler to collect any other material deemed recyclable by the hauler or to provide additional receptacles at no charge for high volumes of specific commodities.
 9. The hauler shall provide a single container for solid waste unless one of the following applies:

- (a) The service volume exceeds the largest container size for which a rate has been established.
 - (b) The customer, after being informed of options and costs, requests containers of lesser volume and pays for the additional container at the additional container rate. The hauler must document the request in its service records.
 - (c) The hauler has a lack of equipment, by choice or shortfall, wherein the hauler must provide an equitable level of service with equipment on hand, but may charge only the single container rate for the level of service requested.
 - (d) It is unsafe (due to weight, distance to collection vehicle or other circumstances) to collect the solid waste in a single container.
10. A business customer may not opt out of recycling service except as provided for in Section 18. E. Business Recycling Requirements herein.

b. Overweight and Overloaded Receptacles

- 1. The maximum weight of a solid waste or recycling collection container's contents shall be 250 pounds per loose cubic yard.
- 2. The maximum weight of a solid waste or recycling collection compacted container's contents shall be 500 pounds per cubic yard, not to exceed 8,000 total pounds for the contents and container.
- 3. The maximum weight of any solid waste or recycling bag, bundle or cart's contents shall be as specified in the table below:

Size/Type	Maximum Weight Including Receptacle
Up to and Including 20 gallon bin or cart	35 lbs.
Over 20 gallons, up to and Including 32 gallon customer provided receptacle	60 lbs.
Hauler provided roll carts of 32-35 gallons	75 lbs.
Hauler provided roll carts of 60-65 gallons	100 lbs.
Hauler provided roll carts of 90-96 gallons	145 lbs.
Yard Debris	
• Kraft Paper Bag	40 lbs.
• Bundle	40 lbs.
Extra Bag or Bundle of Garbage	25 lbs.

- 4. Any solid waste or recycling container, whose contents can be shown to weigh more than the established maximum allowable weight per

cubic yard, shall be considered overweight and shall be charged as a compacted load.

5. The maximum weight of a compostable material collection receptacle shall not exceed the manufacturer's load rating specifications for that receptacle.
6. When providing service, the hauler shall inform the customer of potential overweight or overloaded conditions.
7. If serviced, an overweight container shall be charged at the compacted load rate, as indicated in the current Board-approved rate sheets.
 - (a) To determine the container overweight charge, divide the normal monthly charge by 4.33; divide the result by the number of weekly pickups; then multiply that number by the current compacted rate.
 - (b) Additional charges such as unscheduled service fees and call-back fees may be charged.
8. Prior to assessing an overweight charge or refusing to pick up an otherwise unsafe receptacle, the hauler shall notify the customer of the overweight and/or unsafe condition. The customer shall then be given a reasonable opportunity to remedy the overweight and/or unsafe condition.
9. No hauler shall be required to pick up an overweight or unsafe solid waste, recycling or compostable material receptacle.
10. A receptacle shall be considered overloaded or unsafe if the receptacle is so filled as to allow material to fall out, has large items extending from the receptacle, or is so improperly loaded as to potentially cause damage to equipment or harm people.

c. Education and Promotion

The hauler shall:

1. Provide each new customer a waste and recycling assessment to determine appropriate service levels and to identify opportunities to reduce waste. The hauler shall serve as the initial customer contact for the County's technical assistance program.
2. Refer each new customer and any customer that requests technical assistance to the County for inclusion in the County's technical assistance program.

3. Provide educational information to customers collecting food scraps that describe how to separate and prepare material in accordance with County guidelines.
4. Upon request, provide the County within five (5) business days, a list of customer subscribing to food scraps collection service.
5. Upon receiving a request to terminate food scraps collection service, notify the County prior to removal of receptacles.

Q. (Reserved) Restrictions

R. (Reserved) Commercial Composting

S. Drop Box/Compactor Service Standards, Specific

- a. Solid waste and recycling collection receptacles shall be serviced at regular intervals so as not to create a nuisance.
- b. For non-regularly scheduled drop box or compactor collection service, including delivery or haul, the hauler shall provide service no later than two (2) business days after the time the request was made, provided that the customer requests the service no later than 2 p.m., unless the customer requests a later date or time. If unable to provide the service, the hauler shall arrange service through another service provider.
- c. The hauler shall provide Saturday drop box/compactor collection service if the disposal site is open for business and if the customer requests such service by 2 p.m. on the preceding Wednesday.
- d. Drop Box/Compactor Collection Service and Rates
 1. At the time of the initial request for drop box/compactor collection service, the hauler shall disclose to the customer, if applicable, whether a notice to a right to lien will be sent to the owner of the property.
 2. The hauler may require that a customer pays service fees in advance.
 - (a) Pre-payments shall be in an amount not exceeding the anticipated total due including, but not limited to, the delivery of the drop box, plus the haul fee and disposal fee.
 - (b) If a pre-payment prior to collection service is required, the hauler must provide the details of the anticipated charges for service including disposal location and timeline for refunds or customer payments, if applicable. The bill for prepayment shall be in writing only if requested by the customer at the time of the service order.

- (c) The hauler shall honor all requests for refunds of the unused portion of pre-payments within thirty (30) days of final invoice.
- 3. The hauler shall charge its drop box customers disposal fees equal to the actual disposal cost to the company plus Board-approved fees.
- 4. The hauler shall charge rental fees after two (2) calendar days following the date of delivery; not counting the date of exchange or pickup.
- 5. Rental fees shall not be charged on Sundays.
- e. Drop Box/Compactor Collection Service - Billing
 - 1. The hauler may choose to bill drop box/compactor collection service customers on a monthly or more frequent basis.
 - 2. If an invoice or billing statement is rendered for the drop box/compactor collection service or for the balance owed after a pre-payment has been made, payment may be stated as due upon receipt. Interest may not accrue and procedures to collect the amount owed may not be initiated for at least fourteen (14) days from the date of the billing statement or invoice.
 - 3. The invoice or billing statement shall contain the following:
 - (a) Account information including the service address and the customer's level of service and billing rate.
 - (b) An itemization of charges or credits incurred including, but not limited to, receptacle size, haul fee, delivery fee, disposal fee, profit margin on disposal, government fees, and mileage charges. Billed amounts or credits shall be stated on the billing statement using terms consistent with the Board-approved rate sheets.
- f. The hauler shall dispose of drop box/compactor contents at specific legally authorized disposal sites, facilities or locations if requested by the customer.

T. (Reserved) Occasional Containers

U. (Reserved) Construction & Demolition

V. Denial, Termination of Service

- a. The hauler may terminate or deny service to any customer for failing to pay for service received or to pay in a timely manner.
- b. The hauler may not terminate a billed customer's service for other reasons, including but not limited to, non-payment of a prior tenant or owner's billed service or non-payment of another billed customer's service.

- c. The hauler may not terminate collection service while the billed customer is pursuing a dispute. If the customer pays all undisputed amounts when due and corrects any conditions posing a danger to health, safety or property, a hauler may not terminate collection service while:
 - 1. The customer is attempting to resolve a billing dispute with the hauler's representatives; or
 - 2. The customer is attempting to resolve a billing dispute with County staff.
- d. Billing disputes shall be resolved as follows:
 - 1. The hauler shall investigate a billing dispute within thirty (30) days of notification of the disputed charge(s).
 - 2. The hauler shall report the results, in writing, of any dispute investigation to the customer through email or other document no later than ninety (90) days after notification of the dispute.
 - 3. The hauler shall report the results of all dispute investigations to the County if the investigation(s) results in termination of collection service to the customer.
 - 4. The County may grant an extension of time if requested by the hauler or customer.
 - 5. Billing disputes shall be considered resolved upon receipt by the customer of the results of the investigation and final action taken.
- e. Prior to terminating service, the hauler shall give the customer seven (7) days written notice of pending denial or termination and provide the customer with an opportunity to remedy.

15. *(Reserved) Enforcement*

16. *(Reserved) Internal Administration*

17. *(Reserved) Other Department Functions*

18. Business Requirements - Recycling

- A. Businesses will separate the following from solid waste for reuse or recycling:
 - a. all recyclable paper;
 - b. cardboard;
 - c. metal cans;

- d. glass bottles and jars;
 - e. plastic bottles, tubs, buckets and jars.
 - B. Businesses will ensure that recycling receptacles are provided for internal and/or external maintenance or work areas where recyclable materials are collected and/or stored.
 - C. Businesses will post accurate signs that:
 - a. Describe the location where recyclable materials are collected and/or stored.
 - b. Identify the materials that businesses must separate for reuse or recycling.
 - c. Provide recycling instructions.
 - D. Any person or entity that owns, manages or operates premises with business tenants and provides garbage collection service to those business tenants, shall provide recycling collection systems adequate to enable those business tenants to comply with the requirements of subsections A, B and C of this section.
 - E. A business may seek an exemption from the business recycling requirements from the County. The business must establish that it cannot comply with the business recycling requirements for reasons that include, without limitation, space constraints and extenuating circumstances. A site visit by County staff is required prior to the County issuing an exemption. Any business that is granted an exemption of the business recycling requirements must acknowledge the departure from basic service, and such acknowledgment shall be documented by the hauler.
19. Business Requirements – Composting
- A. Food scraps generating businesses, in urban unincorporated Washington County, that generate over 250 pounds of food scraps per week will:
 - a. Separate food scraps that are controlled by the business, its agents, or employees from all other solid waste for collection. This requirement does not apply to food scraps controlled by customers or the public.
 - b. Have correctly-labeled and easily-identifiable receptacles for internal maintenance or work areas where food scraps may be collected, stored, or both.
 - c. Post accurate signs where food scraps are collected, stored, or both that identify the material that the food scraps generating business must source separate.
 - B. Any person or entity that owns, manages, or operates premises with food scraps generating business tenants, will allow or otherwise enable the provision of food scraps collection service to lessees or occupants subject to the composting requirement.

- C. Food scraps generating businesses must comply with the composting requirement as determined by the average quantity of food scraps generated per week. Implementation will begin with Business Group 1 and progress to Groups 2 and 3 as set forth in the Metro Solid Waste Administrative Rules. Elementary and secondary schools are included in Business Group 3.

	Business Group 1	Business Group 2	Business Group 3
Food scraps generation	Over 1,000 lbs/week	Over 500 lbs/week	Over 250 lbs/week

- D. Food scraps generating businesses may seek a temporary (12 month) waiver from the composting requirement by:
- a. Providing access to County staff for site visits.
 - b. Demonstrating that the food scraps generating business cannot comply with the composting requirement because one or more of the following conditions exists:
 1. Less than 250 pounds of food scraps are included in disposed waste per week.
 2. Food scraps generated by the business are not suitable for inclusion in the program or cannot be made suitable without unreasonable expense.
 3. Physical barriers to compliance exist and cannot be immediately remedied.
 4. Compliance results in unreasonable capital expense.
 5. Compliance results in a violation of other government rules, regulations, or health and safety codes.
 - c. Agreeing to periodic waiver verification site visits to determine if conditions that warrant the waiver are still in place and cannot be remedied in accordance with waiver criteria.
- E. Food scraps generating businesses that elect to self-haul source separated food scraps will ensure they are delivered to a facility authorized to receive food scraps in accordance with applicable Metro rules and regulations.
- F. Food scraps generating businesses that are not in compliance with the composting requirement will be subject to enforcement action pursuant to Washington County Code Chapter 1.08, Uniform Citation Procedures.

20. *(Reserved) Appendices*

21. [Temporary Rules](#)

[Notwithstanding any other provision in these rules, a person may temporarily collect source separated recyclable material from residential generators for a fee that is not designated or](#)

allowed to be collected for recycling by a certificate holder by these rules so long as the material is appropriately recycled or reused. The person must cease collection if a certificate holder is authorized to collect any such recyclable materials.



Additional Recycling Collection Services

Temporary amendment to Solid Waste and Recycling Administrative Rules

Thomas Egleston, Solid Waste & Recycling Manager

| January 25, 2022

Department of Health and Human Services

www.co.washington.or.us

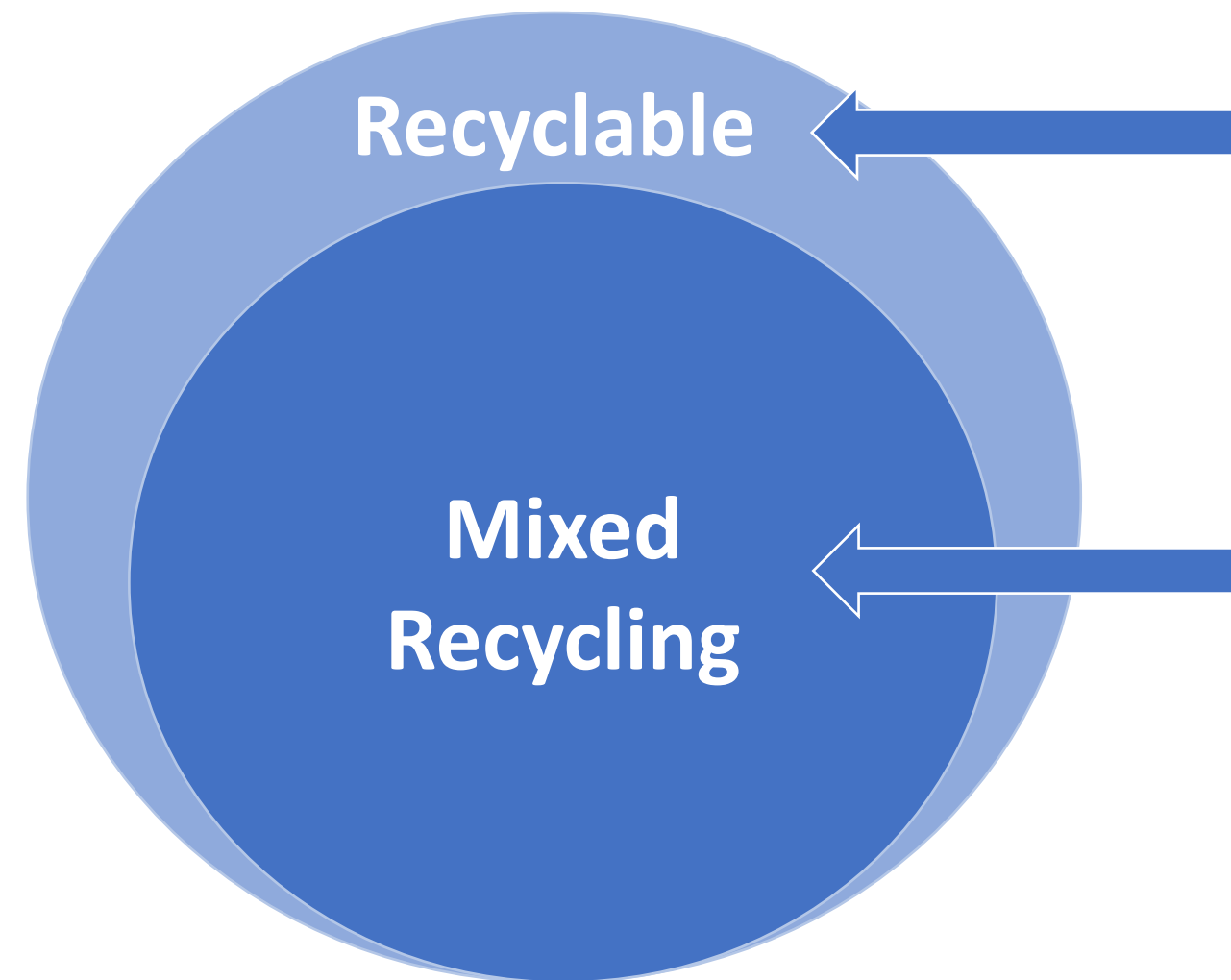


Not all Recyclables are in the Mixed Recycling

Recycling: means any process by which solid waste materials are transformed into new products in a manner that the original products may lose their identity.

Why are only certain materials included in the curbside Mixed Recycling?

- Strong end market
- Can be separated from other materials
- Does not impact sorting equipment
- Makes environmental sense
- Enough material to sort for
- Ability for generators to identify and prepare properly




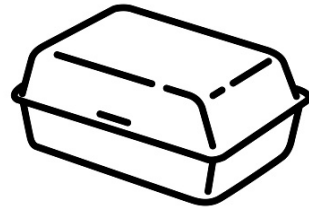
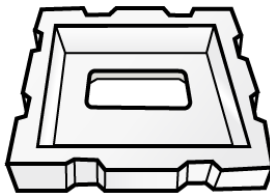




Examples: Plastic film, Styrofoam, Plastic clamshells, plastic lids

Examples: Paper, cardboard, plastic bottles, plastic buckets, plastic tubs, metal.



Potential Expanded Recycling Categories

	Plastic Film/Bags	Batteries	Light Bulbs	Plastic #1 Containers	Styrofoam	Textiles	Food
							
Current options	Drop-off at grocery or other recycling depot	Metro HHW or other drop-off depot	Metro HHW or other drop-off depot	None	Agilyx (Tigard) drop-off depot	Reuse or donation locations	None
Portion of Waste Stream	1.47%	0.1%	0.01%	0.14%	0.18%	3.68%	27%



Regulatory Approaches

A – New Collection
Program, certificate holders
(rule change)

B – Limited recycling
registration, open market
(code + rule change)

C – Exemption, open
market
(code change)

Fully Regulated

Lightly Regulated



Program Development and Temporary Rule

- Board direction on January 18, 2022:
 - Pursue Approach A – Develop new additional recycling material collection program to be made available by current service providers
 - **Develop temporary rule allowing other persons to provide service, so long as material is appropriately recycled or reused, until new additional material collection program is implemented**
- This approach:
 - Allows temporary services to continue until new regulated service is available
 - Maintains ability to ensure equity in community member access to services
 - Maintains ability to manage program elements and service rates

→ Proposed Rule

Notwithstanding any other provision in these rules, a person may temporarily collect source separated recyclable material from residential generators for a fee that is not designated or allowed to be collected for recycling by a certificate holder by these rules so long as the material is appropriately recycled or reused. The person must cease collection if a certificate holder is authorized to collect any such recyclable materials.



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